

REMARKS/ARGUMENTS

Recognizing that it is time consuming for Examiner to study complex patent applications, Applicants respectfully submit the following summary of the invention for Examiners convenience in capsulizing the present invention and understanding the claims submitted herewith.

Summary of the invention:

In contrast to conventional switches that include OFF and ON positions, a rate-of-change switch of the present invention is:

OFF at any input position;

Remains OFF while/when moved to any input position; and

Switches ON in response to a predetermined input velocity.

That is, the output status of the rate-of-change switch changes (from 0 to 1, or 1 to 0) in response to a predetermined velocity of an input to a transducer. This change in output status may be in response to an input that produces increasing output signals and/or decreasing output signals.

And, since the rate-of-change of the output signal of a transducer is a function of the velocity of the input to the transducer, the output status of the switch changes at a predetermined (but selectably adjustable) rate-of-change of the output signal.

Therefore, it is equally correct to say that the output status of the switch of the present invention switches as a function of the rate-of-change of the output signal, as it is to say that the output status switches as a function of the input velocity to the transducer.

However, the output status of the rate-of-change switch actually changes in response to a predetermined rate-of-change of the output signal of the transducer.

And, since the rate-of-change of the output signal is the first derivative (dx/dt) of the output signal, the present invention requires that the output signal be differentiated by either analog hardware or a digital computer routine.

And, as Examiner knows, operational amplifiers can be configured to integrate or differentiate in addition to performing other mathematical calculations.

Therefore, in a basic analog embodiment, as shown in FIGURE 1, a rate-of-change switch includes a transducer 16, a differentiator 40A, and a discriminator 42 (the discriminator 42 of FIGURE 1 includes the operational amplifier U2A of FIGURE 6. Also see paragraph [0082] as previously amended, and paragraphs [0083] to [0088]).

In FIGURE 6, the transducer 16 is not shown, but the operational amplifier U1A is shown configured as a differentiator by the resistor R1 and the capacitor C1, and the operational amplifier U2A is configured as a comparator by the voltage divider FD1.

The output signal of the transducer, in addition to being used to perform one or more switching functions, optionally is used to initiate operation and/or to proportionally actuate an apparatus, such as a power wheelchair and/or a multiplexer.

Response to Official Office Action:

Examiner alleges that there are three inventions in the subject patent application and requires that Applicants elect one invention for prosecution. Examiner's Group I includes Claims 1-5, 9-14, 15-17, 19, 31-52, and 62-63. Examiner's Group II includes Claims 21, 23-25, 27-29, and 68-73. Examiner's Group III includes Claims 53-61 and 66-67.

Applicants herein respond by electing, without traverse, Examiner's Group I. In addition, Applicants have added new Claims 74-95 that also belong in Examiner's group I, since they recite a rate-of-change switch or a method that recites rate-of-change switching.

Although Examiner did not include Claims 64 and 65 in Group III, Applicants assume that he intended to include them in Group III. Therefore, Applicants have canceled these claims along with others in Group III.

Therefore, Applicants herein cancel all claims to the non-elected inventions, namely Claims 21, 23-25, 27-29, 53-61, and 64-73.

Examiner has reminded Applicants that "upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and the fee required under 37 CFR 1.17(i)."

Applicants appreciate Examiner's reminder. However, while awaiting Examiner's first Office Action, Agent for Applicants became convinced that the subject patent application was filed with a misjoinder of inventors.

Subsequently, Agent for Applicants discussed this with both of the originally-named inventors, explaining to them why only John L. Lautzenhiser is, indeed, an inventor of claims originally filed in the subject patent application.

Therefore, in accordance with 37 CFR 1.48(a), enclosed herewith is a: Declaration by Lloyd L. Lautzenhiser that he was named as an inventor without deceptive intention; a Declaration by John L. Lautzenhiser that Lloyd L. Lautzenhiser was named as an inventor without deceptive intention; the Fee required under 37 CFR 1.17(i); and written consent of the Assignee, MAGITEK.COM, LLC, signed by the Managing Member, John L. Lautzenhiser.

Finally, enclosed herewith is a Declaration, under 37 CFR 1.63 signed by the sole inventor, John L. Lautzenhiser. This Declaration pertains to the claims pending subsequent to admission of this amendment, in addition to pertaining to the specification as filed. Since no new matter is included in either the amendment of February 27, 2004 or the present amendment, Applicant respectfully submits that a Declaration under 37 CFR. 1.63 is appropriate.

Final Comments:

Applicant (sole after correction of misjoinder) has carefully reviewed the description and the claims remaining after the above election, amending a few paragraphs, inserting a few new paragraphs, amending some of the claims, and inserting some new claims.

With regard to amended paragraphs and new paragraphs, Applicant respectfully submits that these changes provide antecedent basis for "body-member gesturing" as used in some of the new claims. Further, Applicant respectfully submits that no new matter is involved.

With regard to the newly inserted claims, since Examiner has delayed his search pending Applicant's election of species, Applicant respectfully

submits that entry of these new claims should not place an undue burden on Examiner.

Further, Applicant respectfully submits that, considering the uniqueness and potential value of the subject invention, neither the number of independent claims nor the total number of claims is excessive. Applicant respectfully submits that he has used great restraint to avoid unnecessary multiplication of claims. Of the 12 independent claims, 8 of them include a total of only 16 dependent claims. And there are only 61 claims in the case.

Therefore, Applicant respectfully requests admission of the present amendment, including new Claims 74-95.

Finally, believing that all of the claims are allowable, Applicant respectfully requests a Notice of Allowance for all of the claims in the subject patent application, namely Claims 1-5, 9-17, 19, 31-52, 62, 63, and 74-95.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wendell E. Miller". The signature is fluid and cursive, with the first and last names being more prominent.

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Enclosures:

Transmittal Form, PTO/SB/21, 1 page, 1 copy;
Fee Transmittal For FY 2007, PTO/SB/17, with
Authorization of Declaration Fee Under 37 CFR 1.16(e),
1 page, 2 copies;
Patent Application Fee Determination Record,
PTO/SB/06, 1 page, 1 copy;
Petition for Extension of Time Under 37 CFR 1.136(a),
for Three Months, from Feb. 19 2007 to May 19, 2007,
PTO/SB/22, 1 page, 2 copies;
Processing Fee Under 37 CFR 1.17(i) Transmittal, PTO/SB/17(i)
for paper filed Under 37 CFR 1.48(a), 1 page, 2 copies;
Request Under 37 CFR 1.48(a) for Correction of Inventorship,
2 pages, 1 copy;
Request and Declaration Under 37 CFR 1.48(a), signed by
Lloyd L. Lautzenhiser, 1 page, 1 copy;
Request for Correction on Inventorship Under 37 CFR 1.48(a),
signed by John L. Lautzenhiser, 1 page, 1 copy;
Permission of Assignee to Change Inventorship Under 37 CFR 1.48(a),
signed by John L. Lautzenhiser, 1 page, 1 copy; and
Declaration Under 37 CFR 1.63, PTO/SB/01, signed by
John L. Lautzenhiser, for claims in this Amendment,
2 pages, 1 copy.

May 19, 2007

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